

Serial No. 10/069,578

ASA-1070

Amendment

Response to Office Action mailed September 4, 2007

**REMARKS****Pending Claims**

Claims 1, 12, 13 and 16-25 are pending in this application. Claims 2-11 and 14-15 have been canceled without prejudice or disclaimer. Claims 1, 12 and 13 have been withdrawn. Claims 16 and 22 have been amended. No new matter has been added.

**Claim Rejections under 35 U.S.C. §§102 & 103**

Claims 16-18 and 21-25 are rejected under 35 U.S.C. §102(e) as being anticipated by Takahashi, U.S. Patent No. 6,290,907. Claims 19 and 20 are rejected under 35 U.S.C. §103(a) as being unpatentable over Takahashi '968 in view of Hanaway, U.S. Patent No. 4,719,087.

Applicants request reconsideration of the rejections for the following reasons.

The present invention is directed to an automatic analyzer having a rack delivery unit 1 including a rack supply section 3 and a rack recovery section 4. A rack (9) is a substantially rectangular-shaped box having a plurality of reception chambers into which a plurality of specimen containers can be charged. The specimen containers of the common racks contain therein a common specimen such as a patient specimen; and the containers of the specific racks include a calibrator container containing a calibrator liquid (standard liquid), a quality control container containing a quality control specimen, a cleaning liquid container containing a cleaning liquid specimen, etc. See, page 6, line 29 of the Specification.

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The common and specific racks of the invention are supplied to a rack standby disk 5 and after use are returned to a rack recovery section 4 from the rack standby disk. The rack standby disk is capable of rotating a plurality of racks while holding them and stopping so as to position a desired rack in a desired location. *See*, page 6, lines 2-10 of the Specification, for example. *See also*, page 12, lines 5-12 regarding the charging of the rack supply section 3 with racks and the transfer of the racks to the rack standby disk 5. Accordingly, on the rack standby disk 5 are specific or particular racks charged with containers to contain liquids repeatedly fed to the analysis unit whenever quality control specimens, calibrators, cleaning liquids, etc. are needed. These racks are different from the common racks holding specimens and are used over a long term as compared with common racks holding specimens. *See*, page 24, lines 8-15 of the Specification, for example.

Applicants have amended claims 16 and 22 to clarify that which applicants regard as the invention and to distinguish the invention from the cited references of Takahashi and Hanaway. In particular, Claims 16 and 22 have been amended to include the rack feed line having common racks holding specimens to be analyzed and specific or particular racks holding specific liquids to be repeatedly sampled as needed for analysis of the specimens. Further, the rack standby disk is claimed to receive the common and specific racks from the rack feed line in combination with rotating and stopping in a state such that the plurality of common and specific racks are made to standby thereon in a mixed state. *See* page 8, line 28 to page 9, line 5 with respect to the limitation of the common racks and specific racks being held in the rack standby disk 5 in a mingled or mixed state. In this way, as set forth in the claims, the

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control unit controls transfer of the racks such that the specific rack on the rack standby disk is kept standing by on the rack standby disk until a subsequent time of measurement with the specific rack (claim 16); or such that after a preceding track is returned to the rack standby disk from the specimen sampling position, a subsequent rack is transferred via the rack transfer means (claim 22).

Takahashi is relied upon for disclosing an automatic analyzer having a component 301 that is compared to the rack standby disk 5 of the present invention. Component 301 is a centrifuge rotor for centrifugal separation of a sample. The amendments made to claims 16 and 22 clarify that the claimed rack standby disk is not equivalent to the centrifuge component 301 of Takahashi. Accordingly, the rejection of claims 16-18 and 21-25 as being anticipated by Takahashi under 35 U.S.C. §102(e) should be withdrawn.

Hanaway is relied upon for disclosing a specimen tray assembly that is used in an automatic analyzer. However, the reference does not overcome the deficiencies in Takahashi. Further, claims 19 and 20 are dependent from base claim 16 and therefore are patentable at least for depending from a base claim asserted to be patentable for the foregoing reasons. Accordingly, the rejection under 35 U.S.C. §103(a) should be withdrawn.

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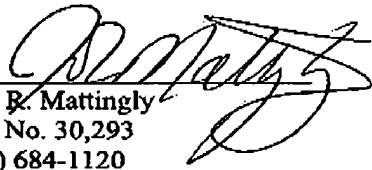
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**Conclusion**

In view of the foregoing amendments and remarks, reconsideration and reexamination are requested.

Respectfully submitted,

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Date: January 4, 2008